

Notice of Allowability

Application No.

10/690,899

Examiner

Sandra K. Poulos

Applicant(s)

ARAKAWA ET AL.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/10/06.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/26/06 has been entered.

Statement of Reasons for Allowance

2. The present claims are allowable over the closest prior art Hayashi (WO 95/20630), JP 57-080448, JP 57-212252, Katayama (US 5,795,931), and Terashima (US 4,981,92) for the following reasons:

The present claims are drawn to a polyamide resin composition containing (A) from 60 to 98% by weight of nylon 66, (B) from 1 to 25% by weight of an aromatic polyamide resin, (C) from 1 to 15% by weight of nylon 12, and (D) from 5 to 150 parts by weight of an inorganic filler.

Hayashi discloses a polyamide composition used in automotive cooling system parts and contains an aliphatic polyamide component, preferably nylon 66, and an aromatic polyamide component containing a carboxylic acid component derived from terephthalic acid or mixture of terephthalic and isophthalic acid. The inorganic filler is preferably glass fibers. As indicated in applicant's arguments (page 6, last paragraph (9/26/06)), Hayashi discloses that using nylon 12 with nylon 66 results in a lower heat

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resistance, which is disadvantageous. Thus Hayashi teaches away from the combination of nylon 12 and nylon 66.

JP 57-080448 discloses a polyamide composition that raises resistance to environmental stress cracking caused by metal halides. The composition contains 20-80% nylon 66, 20-80% nylon 12, and 10-60 wt% glass fibers. JP '448 does not contain aromatic polyamide. The claimed amount of nylon 12 is 1-15%, which is completely outside the range disclosed by JP '448, and thus it no longer is applicable against the current claims.

JP 57-212252 discloses a polyamide composition that is resistant to calcium chloride that contains (a) 65-95 parts by weight of nylon 6 or nylon 66 and (b) 5-35 parts by weight of nylon 12, nylon 11, nylon 6-10, or nylon 6-12. The polyamide composition is used in automotive components such as radiator tanks, etc. The combination of nylon 66 and nylon 12 is exemplified in Table 2. However, JP '252 does not teach or suggest the use of aromatic polyamide.

Katayama discloses combinations of nylon 12 and a copolymer nylon 6/66 and 5 to 150 parts inorganic filler. Katayama does not teach combining nylon 12 and nylon 66, except in a comparative example that shows it is disadvantageous to their inventive nylon12-nylon6/66 mixture. Katayama does not teach or suggest an aromatic polyamide.

Terashima discloses a mixture of nylon 66, nylon 12, and aromatic polyamide and further includes inorganic filler. However, the amount of nylon 12 is 30-65 wt%, which is not within the currently claimed range for nylon 12.

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Thus, it is clear that art Hayashi (WO 95/20630), JP 57-080448, JP 57-212252, Katayama (US 5,795,931), and Terashima (US 4,981,92) do not disclose or suggest the claimed invention.

The international search report had no X references. The Y references were Hayashi (discussed above) and JP 2 245 058 (which discloses none of nylon 12, nylon 66, and aromatic polyamide).

A later-filed copending U.S. application, 11/108,907 (published as US 2005/0234180), also claims a polyamide resin composition containing nylon 66, aromatic polyamide, nylon 12 and inorganic filler. The instant claims would be subject to an obviousness-type double patenting rejection given the substantial overlap in claimed subject matter; however, per USPTO practice, given that the obviousness-type double patenting rejections would be the only rejections remaining in this application as provisional rejections over later-filed copending applications, no obviousness-type double patenting rejections are being set forth.

In light of the above, it is clear that rejections of record are untenable and thus the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 2005/0058820 and US 20040259996 discloses blends of polyamides.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra K. Poulos whose telephone number is (571) 272-6428. The examiner can normally be reached on M-F 8:00-4:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SCP

Vasu Jagannathan
VASU JAGANNATHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700